

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

STEVEN M. JACOB,	)	4:10CV3073
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
ROBERT HOUSTON,	)	
	)	
Respondent.	)	

This matter is before the court on Respondent's Motion for Enlargement of Time. (Filing No. [37](#).) Also pending is Petitioner's Motion to Alter or Amend. (Filing No. [35](#).) The court will address each motion in turn.

***I. Motion for Enlargement of Time***

On January 31, 2011, Respondent filed a Motion for Enlargement of Time. (Filing No. [37](#).) In his Motion, Respondent seeks to enlarge the time he was provided to file his initial brief until April 2, 2011. (*Id.* at CM/ECF p. 1.) Respondent has listed numerous reasons for his request, including that Petitioner has been pursuing simultaneous state and federal post-conviction proceedings, which complicated Respondent's efforts to duplicate state court records. Petitioner's state court post-conviction proceeding has now been continued. (*Id.* at CM/ECF p. 2.) For good cause shown, Respondent's Motion for Enlargement of Time is granted.

***II. Motion to Alter or Amend***

In Petitioner's Motion, Petitioner asks the court to alter or amend its December 23, 2010, Memorandum and Order. (Filing No. [34](#).) More specifically, Petitioner argues that the court "misrepresented" his prior request to stay a pending state court civil proceeding. (Filing No. [35](#) at CM/ECF p. 1; *see also* Filing No. [32](#).) In his

Motion to Stay, Petitioner attached several documents that related to a civil suit brought against him by Margaret Schlichtman. (Filing No. [32](#) at CM/ECF pp. 6-11.) Petitioner argues that he was not referring to that case, but rather to a “newly pending” state court post-conviction proceeding. (Filing No. [34](#).) Petitioner now asks the court to stay the state court post-conviction proceeding. (Filing No. [35](#) at CM/ECF p. 6.)

The court has carefully reviewed Petitioner’s Motion and the record. Petitioner’s state-court post conviction proceeding has been continued and the court finds no good cause to alter or amend its December 23, 2010, Memorandum and Order. Petitioner’s Motion to Alter or Amend is therefore denied.

IT IS THEREFORE ORDERED that:

1. Respondent’s Motion for Enlargement of Time (filing no. [37](#)) is granted.
2. Petitioner’s Motion to Alter or Amend (filing no. [35](#)) is denied.
3. The Clerk of the court is directed to set a pro se case management deadline in this case using the following text: Check for initial brief on April 2, 2011.

DATED this 2<sup>nd</sup> day of February, 2011.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge

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